

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WILLIAM CYPHERS,)	
)	VERIFIED COMPLAINT
Plaintiff,)	
)	DEMAND FOR JURY TRIAL
vs.)	
)	Case No.:
LAW OFFICE OF WILLIAM G. SOKOL)	
LLC,)	
)	
Defendant.)	
)	

PLAINTIFF'S VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, WILLIAM CYPHERS ("Plaintiff"), by and through his attorneys, KROHN & MOSS, LTD., and for Plaintiff's Complaint against Defendant, LAW OFFICE OF WILLIAM G. SOKOL, LLC, alleges and affirmatively states as follows:

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Because Defendant conducts business in the state of Alabama, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1331(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in the City of Birmingham, County of Jefferson, State of Alabama and is obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).

6. Plaintiff is informed and believes, and thereon alleges, that Defendant is a national company with a business office in the City of Hammonton, New Jersey.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

9. Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.

10. Defendant called from its phone number (609) 704-5182 to Plaintiff's phone number (205) 482-2778.

11. Defendant left multiple voicemail messages for the Plaintiff in which the Defendant failed to disclose that the communication was from a debt collector or that the communication was regarding the collection of a debt. See Exhibit "A" attached hereto.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

12. Plaintiff repeats, realleges and incorporates by reference all of the foregoing paragraphs.

13. Defendant violated the FDCPA. Defendant's violations include, but are not limited

to the following:

- a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of an alleged debt but repeatedly calling the client and leaving voicemail messages that failed to identify the nature of the call; and
- b) Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the call was from a debt collector.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

15. Statutory damages of \$1,000.00 pursuant to the FDCPA, 15 U.S.C. 1692k.
15. Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k.
16. Any other relief that this court deems to be just and proper.

RESPECTFULLY SUBMITTED,

BY:/s/ M. Brandon Walker

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Attorney for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, WILLIAM CYPHERS, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF ALABAMA)

Plaintiff, WILLIAM CYPHERS, says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, WILLIAM CYPHERS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 1/31/11



WILLIAM CYPHERS,
Plaintiff

VERIFIED COMPLAINT

EXHIBIT A

This is solely intended for William Cyphers. This is the Law Office of William G. Sokol. Attorney Sokol is requiring a return call today and it is regarding an issue in the office. The number is 609-704-5182, extension 3113.

William, this is attorney Sokol's office. I need to speak with you William. It is a minor issue. My number is 609-704-5182, extension 3106.

William, you need to call attorney William Sokol's office. This is a minor issue. My number is 609-704-5182, extension 3106.

Hi William, this is the Law Office of William G. Sokol. Attorney Sokol needs to speak with you today. He can be reached at 609-704-5182, extension...

This is a message for William. This is the Law Office of William G. Sokol. Attorney Sokol needs to speak with you today. He can be reached at 609-704-5182. The extension for the attorney is 3105. Once again William, this is the Law Office of William G. Sokol. Attorney Sokol requests to speak with you today. He can be reached at 609-704-5182, extension 3105.

This is solely intended for William Cyphers. This is the Law Offices of William G. Sokol. Attorney Sokol is requiring a return call today and it is regarding an issue in the office. The number is 609-704-5182, extension 3113.